

SECTION 10

CHAPTER 76—STATE INSTITUTIONS  
AND AGENCIES; HISTORICAL PROPERTY  
ARTICLE 21—JUVENILE  
CORRECTIONAL FACILITIES; TOPEKA  
AND ATCHISON

**Cross References to Related Sections:**

Juvenile offenders code, see ch. 38, art. 16.

**76-2101. Topeka juvenile correctional facility; management.** (a) The name of the youth center at Topeka is hereby changed to the Topeka juvenile correctional facility. On and after July 1, 1997, any reference in the laws of this state to the state industrial school for boys or the youth center at Topeka shall be construed as referring to the Topeka juvenile correctional facility.

(b) The commissioner of juvenile justice shall have the management and control of the Topeka juvenile correctional facility.

**History:** R.S. 1923, 76-2101; L. 1974, ch. 416, § 6; L. 1980, ch. 299, § 5; L. 1996, ch. 229, § 140; L. 1997, ch. 156, § 104; July 1.

**Source or prior law:**

L. 1881, ch. 129, §; Revised, 1923.

**Cross References to Related Sections:**

Sale of certain property at youth center at Atchison, see 76-1719.

**CASE ANNOTATIONS**

1. Act held constitutional and valid. In re Sanders, Petitioner, 53 K. 191, 197, 36 P. 348.

**76-2101a. Fee funds created; remittances; expenditures.** (a) The superintendent of the Topeka juvenile correctional facility shall remit all moneys received by or for the superintendent from charges and other operations of such institution to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Topeka juvenile correctional facility fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of account and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

(b) The superintendent of the Atchison juvenile correctional facility shall remit all moneys received by or for the superintendent from charges and other operations of such institution to the state treasurer in accordance with the provisions of K.S.A. 75-4215,

and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Atchison juvenile correctional facility fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

**History:** L. 1973, ch. 369, § 18; L. 1974, ch. 416, § 7; L. 1980, ch. 299, § 6; L. 1996, ch. 229, § 141; L. 1997, ch. 156, § 105; L. 2001, ch. 5, § 434; July 1.

**76-2101b. Atchison juvenile correctional facility; management.** (a) There is hereby established, as a separate institution, the youth center at Atchison. The name of the youth center at Atchison is hereby changed to the Atchison juvenile correctional facility. On and after July 1, 1997, any reference in the laws of this state to the youth center at Atchison shall be construed as referring to the Atchison juvenile correctional facility.

(b) The commissioner of juvenile justice shall have the management and control of the Atchison juvenile correctional facility.

**History:** L. 1980, ch. 299, § 1; L. 1996, ch. 229, § 142; L. 1997, ch. 156, § 106; July 1.

**76-2102. Site and buildings.** Laws 1879, chapter 170, sections 2 and 3, inclusive, included by reference. [Act provided for the selection of a site and the erection of buildings for the projected "state reform school" with the provision that the site be selected within five miles of the capitol building, and further that the city of Topeka should donate 160 acres of land suitable for the purpose.]

**History:** R.S. 1923, 76-2102.

**76-2103. History:** L. 1919, ch. 292, § 3; R.S. 1923, 76-2103; L. 1953, ch. 391, § 31; Repealed, L. 1973, ch. 369, § 51; July 1.

**Source or prior law:**

L. 1881, ch. 129, § 2; L. 1907, ch. 15, § 4; L. 1919, ch. 293, § 3; 76-121.

**76-2104. History:** L. 1881, ch. 129, § 3; R.S. 1923, 76-2104; Repealed, L. 1969, ch. 224, § 9; July 1.

**CASE ANNOTATIONS**

1. Conviction of boy under sixteen; sentence. The State v. Hewes, 60 K. 765, 769, 57 P. 959.

2. Justice of the Peace cannot commit boy to the reform school. In re Stokes, 67 K. 667, 73 P. 911.

3. Justice of peace has no jurisdiction under this act. In re Stokes, 67 K. 667, 73 P. 911.

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4. Punishment depends upon age at time of conviction. The State v. Davidson, 71 K. 494, 495, 80 P. 945.

5. Inmate of boys industrial school under sixteen may be sentenced to reformatory. Burris v. Board of Administration, 156 K. 600, 605, 134 P.2d 649.

6. Discussed in holding 21-117 repealed by implication. Seibert v. Ferguson, 167 K. 128, 135, 136, 205 P.2d 484.

7. Inmate of boys' industrial school under sixteen may be sentenced under 76-2306 for murder. Seibert v. Ferguson, 167 K. 128, 135, 136, 205 P.2d 484.

**76-2105. History:** L. 1881, ch. 129, § 4; R.S. 1923, 76-2105; Repealed, L. 1969, ch. 224, § 9; July 1.

### CASE ANNOTATIONS

1. "Liable to punishment, etc.," construed as "subject to punishment, etc." In re Sanders, Petitioner, 53 K. 191, 192, 200, 36 P. 348.

2. Authority of courts of record, including probate courts, to commit, considered. In re Sanders, Petitioner, 53 K. 191, 192, 36 P. 348.

3. Justice of the peace cannot commit boy to the reform school. In re Stokes, 67 K. 667, 73 P. 911.

4. Act cited in determining jurisdiction of court. State v. Dubray, 121 K. 886, 887, 250 P. 316.

5. Inmate of boys' industrial school under sixteen may be sentenced to reformatory. Burris v. Board of Administration, 156 K. 600, 605, 134 P.2d 649.

**76-2106. History:** L. 1923, ch. 232, § 1; R.S. 1923, 76-2106; L. 1965, ch. 495, § 1; Repealed, L. 1969, ch. 224, § 9; July 1.

**76-2107, 76-2108. History:** L. 1881, ch. 129, §§ 5, 6; R.S. 1923, 76-2107, 76-2108; Repealed, L. 1974, ch. 416, § 25; July 1.

**76-2109. History:** L. 1881, ch. 129, § 7; R.S. 1923, 76-2109; L. 1974, ch. 416, § 8; L. 1976, ch. 411, § 6; L. 1980, ch. 299, § 10; Repealed, L. 1982, ch. 182, § 150; Jan. 1, 1983.

### CASE ANNOTATIONS

1. Inmate of boys' industrial school under sixteen may be sentenced to reformatory. Burris v. Board of Administration, 156 K. 600, 605, 134 P.2d 649.

**76-2110. History:** L. 1881, ch. 129, § 8; R.S. 1923, 76-2110; L. 1974, ch. 416, § 9; L. 1976, ch. 411, § 7; Repealed, L. 1980, ch. 299, § 11; July 1.

### CASE ANNOTATIONS

1. Cited by dissent in urging unconstitutional provisions of L. 1965, chapter 278; not severable. State, ex rel., v. Owens, 197 K. 212, 231, 416 P.2d 259.

**76-2111. Enticing, harboring or concealing boys at juvenile correctional facilities; penalty; return of escaped boys.** If any person entices or attempts to entice away from a juvenile correctional facility any juvenile legally committed to the same, or harbors or conceals, or aids in harboring or concealing any juvenile who has escaped from a juvenile

correctional facility such person upon conviction thereof shall be deemed guilty of a misdemeanor, and be punished by imprisonment in the county jail for not more than 60 days, or a fine of not less than \$25 nor more than \$100. Any law enforcement officer shall arrest any juvenile who has escaped from a juvenile correctional facility and return such juvenile thereto.

**History:** R.S. 1923, 76-2111; L. 1974, ch. 446, § 23; L. 1974, ch. 416, § 10; L. 1976, ch. 411, § 8; L. 1980, ch. 299, § 7; L. 1996, ch. 229, § 143; July 1, 1997.

### Source or prior law:

L. 1881, ch. 129, § 9.

### CASE ANNOTATIONS

1. Escapee from industrial school while absent therefrom is still inmate thereof. Seibert v. Ferguson, 167 K. 128, 134, 205 P.2d 484.

**76-2112. Work assignments.** The commissioner of juvenile justice is hereby authorized to issue work assignments to any juvenile in the commissioner's custody and placed in a juvenile correctional facility.

**History:** R.S. 1923, 76-2112; L. 1972, ch. 161, § 20; L. 1974, ch. 416, § 11; L. 1976, ch. 411, § 9; L. 1980, ch. 299, § 8; L. 1996, ch. 229, § 144; July 1, 1997.

### Source or prior law:

L. 1881, ch. 129, § 10; Revised, 1923.

**76-2113. History:** L. 1881, ch. 129, § 11; R.S. 1923, 76-2113; Repealed, L. 1974, ch. 416, § 25; July 1.

**76-2114. History:** R.S. 1923, 76-2114; L. 1974, ch. 416, § 12; L. 1976, ch. 411, § 10; L. 1980, ch. 299, § 9; Repealed, L. 1982, ch. 182, § 150; Jan. 1, 1983.

### Source or prior law:

L. 1881, ch. 129, § 12; Revised, 1923.

**76-2115. History:** L. 1881, ch. 129, § 13; R.S. 1923, 76-2115; Repealed, L. 1951, ch. 468, § 1; June 30.

**76-2116, 76-2117. History:** L. 1881, ch. 129, §§ 14, 15; R.S. 1923, 76-2116, 76-2117; Repealed, L. 1955, ch. 388, § 1; June 30.

**76-2118. History:** R.S. 1923, 76-2118; L. 1974, ch. 416, § 13; Repealed, L. 1976, ch. 411, § 15; July 1.

### Source or prior law:

L. 1881, ch. 129, § 16; Revised, 1923.

**76-2119. History:** R.S. 1923, 76-2119; Repealed, L. 1959, ch. 356, § 1; June 30.

### Source or prior law:

L. 1881, ch. 129, § 17; Revised, 1923.

**76-2120. Drainage district right-of-way.** Laws 1919, chapter 323, sections 1 to 4, inclusive,

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included by reference. [Act grants right-of-way for North Topeka drainage district across grounds of boys' industrial school for a drain ditch.]

**History:** R.S. 1923, 76-2120.

**76-2121. History:** R.S. 1923, 76-2121; Repealed, L. 1951, ch. 466, § 1; June 30.

**76-2122, 76-2123. History:** L. 1927, ch. 69, §§ 1, 2; Repealed, L. 1951, ch. 466, § 1; June 30.

**76-2124. Acceptance of certain real estate.** The state board of administration is hereby authorized and directed to accept for and on behalf of the state of Kansas the transfer of title to the following described real estate situated in Shawnee county, state of Kansas, to wit:

A part of the northwest fractional quarter (NW 1/4) of sec. twenty-four (24), twp. eleven (11), range fifteen (R. 15), east of the sixth (6th) P.M., commencing at a point on the north line of said quarter (1/4) section, 12.02 chains west (W) of the northeast (NE) corner of said quarter (1/4) section, thence west (W) on said north (N) line 17.04 chains to the northwest (NW) corner of said quarter (1/4) section, thence south (S) 8.33 chains, thence east (E) 12 chains, thence south (S) 8.33 chains, thence east (E) 5.04 chains, thence north (N) to the place of beginning, containing eighteen and one-third (18 1/3) acres, and also commencing 8.33 chains south (S) of the northwest (NW) corner of lot No. 1 of the northeast (NE) fractional quarter (1/4) of sec. twenty-four (24), twp. eleven (11), range fifteen (R. 15), thence east twelve chains, thence south (S) 8.33 chains, thence west (W) 12 chains, thence north (N) 8.33 chains to place of beginning, containing ten (10) acres.

**History:** L. 1937, ch. 346, § 1; March 25.

**76-2125. Topeka juvenile correctional facility; control and use.** After conveyance of the legal title to the state of Kansas, the control of such lands shall be vested in the secretary of social and rehabilitation services for the use and benefit of the youth center at Topeka. On and after July 1, 1997, the control of such lands shall be vested in the commissioner of juvenile justice for the use and benefit of the Topeka juvenile correctional facility.

**History:** L. 1937, ch. 346, § 2; L. 1974, ch. 416, § 22; L. 1996, ch. 229, § 145; L. 1997, ch. 156, § 107; July 1.

**76-2126. History:** L. 1951, ch. 457, § 5; Repealed, L. 1974, ch. 416, § 25; July 1.

**76-2127. Acquisition of certain real estate.** The state board of social welfare is hereby authorized and directed to purchase and acquire two certain tracts of real estate adjoining the state industrial school for boys in Shawnee county, Kansas, described as follows:

All that part of the northeast quarter of section 13, township 11, range 15, described as follows: Commencing at the northeast corner of said quarter section; thence running south 580 feet to the center of Soldier creek; thence up and along the center of Soldier Creek to its intersection with the west line of said quarter section; thence north and upon said west line of said quarter section 1250 feet; to the northwest corner of said quarter section; thence east on north line of said quarter section to the place of beginning, excepting the right-of-way of the Chicago, Kansas and Nebraska railroad across said tract of land, and excepting two tracts sold to the drainage board, in Shawnee county, Kansas, and

A part of the northeast quarter of section 18, township 11, south, range 16, east of the 6th P.M. described as follows: Commencing at the southwest corner of said quarter section; thence north on the west line of said quarter section, 610 feet to the center of Soldier creek; thence in an easterly direction up Soldier creek, 518 feet more or less, to a point which is 528 feet north and 453 feet east of the point of beginning; thence in an easterly direction 810 feet, to a point in the center of Soldier creek which is 522 feet north and 1,265 feet east of the point of beginning; thence in a southerly direction, up the center of Soldier creek, 630 feet more or less, to a point on the south line of said quarter section which is 940 feet east of the point of beginning; thence west 940 feet to the point of beginning, containing 12.64 acres more or less, in Shawnee county, Kansas.

The two tracts as described in the two foregoing paragraphs containing sixty-five (65) acres, more or less.

For the sum of four hundred dollars (\$400) per acre and not to exceed twenty-six thousand dollars (\$26,000), subject to the conditions hereinafter provided.

**History:** L. 1953, ch. 412, § 1; April 14.

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**76-2128. Topeka juvenile correctional facility; control and use.** When the state of Kansas has acquired title to such real estate as hereinbefore provided such real estate shall be for the use of the Topeka juvenile correctional facility until other use is directed or disposition is made by the legislature.

**History:** L. 1953, ch. 412, § 4; L. 1974, ch. 416, § 23; L. 1996, ch. 229, § 146; L. 1997, ch. 156, § 108; July 1.

**76-2129. Acquisition of certain tract of land.** L. 1953, ch. 413, § 1, included by reference. [The state board of social welfare authorized and directed to purchase certain tract of land in Shawnee county near state industrial school.]

**History:** L. 1953, ch. 413, § 1; April 10.

**Revisor's Note:**

Appropriation and approval of title, see L. 1953, ch. 413, §§ 2, 3.

**76-2130. Grant of easement to North Topeka drainage district over certain state lands used by industrial school authorized; conditions.** The state board of social welfare is hereby authorized and directed to grant to the North Topeka drainage district of Shawnee county a permanent easement for construction of the Soldier creek diversion project over and across the following described land situated in Shawnee county, Kansas, described as follows: A strip of land 500 feet in width, the center line of which begins at a point approximately 528 feet north and 453 feet east of the center of section 18, township 11, south, range 16, east of the 6th prime meridian and extending northerly and westerly to a point which is approximately 818.63 feet north of the northwest corner of the northeast quarter of section 13, township 11, south, range 15, east of the 6th prime meridian all in Shawnee county, Kansas. Such grant shall be made in accordance with, and subject to the conditions prescribed by K.S.A. 75-2130 to 75-2133, inclusive, or acts amendatory thereof. Such grant shall be made subject to the condition that the North Topeka drainage district will enter into a written agreement with said state board of social welfare which agreement shall provide that the North Topeka drainage district will:

(1) Fill the present channel of Soldier creek which is located within the boundaries of state property now under the control and management of the state board of social welfare for the uses and purposes of the state industrial school for boys, such filling to be made with dirt excavated in constructing the Soldier creek diversion project above mentioned; and

(2) spread any other excess dirt excavated in constructing said Soldier creek diversion project on and over the land of said industrial school for boys which is located north of the present channel of Soldier creek and south of the new Soldier creek diversion project to be constructed on the land granted by easement as authorized by this act.

**History:** L. 1958, ch. 22, § 1 (Special Session); May 8.

**76-2131. Sale of certain lands in Shawnee county to Chicago, Rock Island and Pacific Railroad Company by secretary of administration authorized.** The secretary of administration of Kansas is hereby authorized to sell in the manner hereinafter provided, to the Chicago, Rock Island and Pacific railroad company, a Delaware corporation, a tract of land owned by the state of Kansas and now being held for the use of the state industrial school for boys, the legal description of which tract is as follows:

Part of the northeast quarter of section 13, township 11 south, range 15 east, Shawnee county, Kansas, described as follows: Commencing at the northeast corner of said northeast quarter; thence south 88 degrees 49 minutes, 26 seconds west, along the north line of said northeast quarter, a distance of 1211.71 feet to the east right-of-way line of the Chicago, Rock Island and Pacific railroad; thence south 19 degrees 03 minutes 27 seconds east, along the east right-of-way line of said railroad, a distance of 375.67 feet to the south right-of-way line of the Soldier creek diversion project and the point of beginning; thence south 82 degrees 34 minutes 45 seconds east, along the south right-of-way line of the Soldier creek diversion project, a distance of 83.79 feet; thence south 19 degrees 03 minutes 27 seconds east, parallel to and 150 feet from the center line of the main track of the Chicago, Rock Island and Pacific railroad, a distance of 1232.37 feet; thence southeasterly 150 feet from and parallel to the center line of said main track, and on a curve to the left that has a radius of 5579.58 feet and a chord that bears south 19 degrees 39 minutes 10 seconds east, an arc distance of 115.93 feet to the north line of the south 60 acres of said northeast quarter; thence south 88 degrees 43 minutes 34 seconds west, along the north line of the south 60 acres of said northeast quarter, a distance of 79.25 feet to the east right-of-way line of said railroad; thence northwesterly along the east right-of-way line of said railroad and on a curve to the right that has a radius of 5654.58 feet and a

chord that bears north 19 degrees 31 minutes 20 seconds west, an arc distance of 91.72 feet; thence north 19 degrees 03 minutes 27 seconds west, parallel to and 75 feet from the center line of said main tract and along the east right-of-way line of said railroad a distance of 1269.73 feet to the point of beginning. This tract contains 2.333 acres, more or less.

**History:** L. 1974, ch. 369, § 1; March 14.

**76-2132. Same; appraisers, rejection of appraisals authorized; limitation on price per acre.** Said property shall be sold by quit claim deed for cash for a price to be determined as follows: The secretary of administration shall appoint three (3) competent and disinterested appraisers who shall make an appraisal of said land which appraisal shall be in writing and signed by the appraisers under oath and filed with the said secretary, which appraisal shall constitute the price for which said land shall be sold to said Chicago, Rock Island and Pacific railroad company, but in no event shall the sale price be less than five hundred dollars (\$500) per acre and the secretary of administration shall have the right to approve or reject any appraisal. In the event an appraisal is rejected, the secretary may in the same manner cause the land to be again appraised and may thereafter sell the same as hereinbefore provided.

**History:** L. 1974, ch. 369, § 2; March 14.

**76-2133. Same; sale condition.** Said land shall be sold subject to the condition that if within a period of twenty (20) years from the date that said land is deeded to the purchaser, purchaser shall desire to sell any unimproved portion of said land, it shall first offer same to the state of Kansas at the price per acre which purchaser has paid to the state of Kansas hereunder.

**History:** L. 1974, ch. 369, § 3; March 14.

**76-2134. Same; expenses of sale; disposition of proceeds.** The cost of any expenses of the sale to the secretary of administration shall be paid out of the proceeds of said sale, and the balance shall be placed by the state treasurer in a separate fund designated as the state industrial school for boys improvement fund for use as the legislature shall hereafter provide.

**History:** L. 1974, ch. 369, § 4; March 14.

**76-2135. Secretary of administration authorized to convey certain land adjacent to Topeka juvenile correctional facility in Shawnee county to humane society; procedure; costs.** (a) The secretary of the department of administration is hereby authorized and empowered, for and on behalf of the juvenile justice authority, to convey, without consideration, to the helping hands humane society, inc., all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Shawnee county, Kansas: Approximately 4.9 acres of real estate located in the northeast quarter of section 18, township 11 south, range 16 east; such 4.9 acres of real estate being located near or adjacent to the Topeka juvenile correctional facility and the Kansas juvenile correctional complex and near or adjacent to the property owned or used by the helping hands humane society, inc., as an animal shelter.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the department of administration executed by the secretary of administration. The deed for such conveyance shall be by quitclaim deed.

(c) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the secretary of administration until the deeds and conveyances have been reviewed and approved by the attorney general.

(d) All costs in any way related to the conveyance shall be paid by the helping hands humane society, inc. The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

**History:** L. 2005, ch. 63, § 2; L. 2006, ch. 150, § 4; April 27.